

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.) Case No.: 4:13-cr-58-HEA (SPM)
)
 JEFFREY ELLERBECK,)
)
 Defendant.)

FIRST MOTION TO CONTINUE TRIAL SETTING

COMES NOW Defendant, Jeffrey Ellerbeck, by and through counsel, and hereby moves this Court to continue the trial currently set for May 20, 2013 for a period of thirty (30) days. In support of this motion, Defendant states as follows:

1. Defendant was arraigned on February 20, 2013.
2. Defendant resides in Denver, Colorado, which slightly impedes the discovery review process.
3. Counsel is currently discussing a disposition with the Government that would obviate the need for a trial.
4. For these reasons, Defendant files the instant motion.
5. For these same reasons, the instant motion is necessary to provide counsel for the “defendant...the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.” 18 U.S.C. § 3161(h)(7)(B)(iv). Accordingly, “the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.” 18 U.S.C. § 3161(h)(7)(A).

6. Defendant, through counsel, has discussed this matter with assistant United States attorney Stephen Casey. Mr. Casey has no objection to Defendant's request.

WHEREFORE, Defendant respectfully requests this Honorable Court continue the trial currently set for May 20, 2013 for a period of thirty (30) days.

Respectfully submitted,

ROSENBLUM, SCHWARTZ, ROGERS & GLASS, PC

By: /S/ Marc M. Johnson
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CERTIFICATE OF SERVICE

I hereby certify that on May 15, 2013, the foregoing was electronically filed with the Clerk of the Court to be served by operation of the Court's electronic filing system upon Mr. Stephen Casey, assistant United States attorney.